

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RECEIVED

UNITED STATES OF AMERICA, )  
 )  
 PLAINTIFF, )  
 )  
 v. )  
 )  
 SEVEN THOUSAND EIGHT HUNDRED )  
 SIXTY DOLLARS (\$7,860) DOLLARS) )  
 IN UNITED STATES CURRENCY, )  
 )  
 DEFENDANT. )

CIVIL ACTION NO.

2007 FEB 14 P 4:20

2:07cv136-wha  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America (hereinafter, "United States"), by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, in a civil cause of forfeiture in rem respectfully alleges as follows:

NATURE OF THE ACTION

1. This is an action to forfeit and condemn to the use and benefit of the United States the following property: Seven Thousand Eight Hundred Sixty (\$7,860) Dollars in United States currency (hereinafter, Defendant currency") which was seized on September 25, 2006, for violations of Title II of the Controlled Substances Act, 21 U.S.C. §§ 801 et seq.

JURISDICTION AND VENUE

2. The United States brings this action in rem in its own right to forfeit and condemn the Defendant vehicle under 21 U.S.C. § 881. This Court has jurisdiction over this action under 28

U.S.C. §§ 1345 and 1355(a). This Court has in rem jurisdiction over this action under 28 U.S.C. § 1355(b).

3. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1) and 28 U.S.C. § 1395 because the acts or omissions giving rise to the forfeiture occurred in this district and the property is located within the Middle District of Alabama.

THE DEFENDANT IN REM

4. The Defendant consists of Seven Thousand Eight Hundred Sixty (\$7,860) Dollars in United States currency, which was seized on September 25, 2006.

FACTS

5. The facts and circumstances supporting the seizure of the Defendant currency are as follows:

a) On September 25, 2006, a Confidential Source (CS1) contacted law enforcement officers and named Gerard Burdette (G. Burdette) and a male known only as "Pete" as being in possession of a large quantity of crack cocaine packaged for distribution. CS1 told officers that the men drive a tan GMC Yukon XL.

b) During the past several months, officers have received information regarding G. Burdette's drug trafficking activities. A Confidential Source (CS2) told officers that G. Burdette lives on the East side of Montgomery, distributes multi-ounce quantities of crack cocaine, and makes deliveries in a tan Yukon.

c) On September 25, 2006, at approximately 2:00 p.m., officers initiated surveillance on G. Burdette's residence at 1336 Whisperwood Court, Montgomery, Alabama. Officers observed a tan GMC Yukon XL, Alabama license plate 3B7417G, pull into the driveway at 1336 Whisperwood Court. Alabama license plate 3B7417G is assigned to a 2001 GMC Yukon XL registered to Gerard Burdette at 1336 Whisperwood Court, Montgomery, Alabama.

d) At approximately 3:35 p.m., a Ford Expedition pulled into the driveway at the residence. A black male, later identified as Laletia Hale (Hale), got out of the Expedition and walked, empty handed, into the residence. At approximately 3:49 p.m., Hale walked out of the house carrying a yellow shopping bag. Hale placed the bag in the Expedition and went back inside. At approximately 4:00 p.m., Hale left the residence in the Expedition.

e) At approximately 4:10 p.m., a traffic stop was executed on the Expedition. During a search of the vehicle, approximately 500 grams of cocaine contained in a yellow shopping bag were found and seized from the console. A canine alerted to the presence of the controlled substance odor coming from the truck. An alert means the canine has detected the presence of illegal drugs.

f) Officers applied for and were granted a search warrant for 1336 Whisperwood Court, Montgomery, Alabama.

g) The Defendant Seven Thousand Eight Hundred Sixty Dollars (\$7,860.00) in United States currency, along with a money counting machine and miscellaneous documents in G. Burdette's name, were seized during the search. The currency was found in a jacket in the master bedroom closet. The closet contained primarily male clothing in sizes consistent with G. Burdette.

h) Dawn Burdette and Lucy Burdette (G. Burdette's mother and grandmother) were present during the search. Both stated they live with G. Burdette at 1336 Whisperwood Court. Both women stated they had no knowledge of the Defendant currency.

i) On October 30, 2006, officers were dispatched to Pepper Tree Lane regarding a persons robbery. The victim gave a description of three black males with one wearing a hooded grey sweatshirt.

An officer observed a white Audi driven by a black male, later identified as G. Burdette, wearing a hooded grey sweatshirt and one passenger in the vehicle. The officer conducted an investigative stop and smelled the odor of marijuana coming from inside the vehicle. When the officer commented to G. Burdette on the two bags of currency in clear plastic bags in plain view behind the driver seat of the vehicle, G. Burdette fled the scene. Officers gave chase and G. Burdette was taken into custody. When officers returned to the scene, the passenger (Shaquella Colvin) was still sitting inside the vehicle. G. Burdette's mother (Dawn

Burdette) was also present at the scene. G. Burdette was positively identified by the victims.

Officers seized \$5,436.23 in United States currency directly from G. Burdette and \$54,000.00 in United States currency which was found inside the vehicle. The \$54,000.00 was packaged three times in a heatsealed plastic. The officer in pursuit of G. Burdette stated there were two plastic bundles of currency; however, when he returned from the foot pursuit, one bundle was missing.

Officers spoke directly with Shaquella Colvin and Dawn Burdette. Both denied any knowledge of the currency.

j) G. Burdette is a student at Trenholm Technical College and is unemployed. A check through Industrial Relations confirmed that G. Burdette has no reported income.

k) G. Burdette has a criminal history of Robbery 1<sup>st</sup>; Probation Violation; Theft of Property 2<sup>nd</sup>; Burglary 2<sup>nd</sup>, Theft of Services; Failure to Appear Robbery 2<sup>nd</sup>; Unlawful Possession of Controlled Substances-Cocaine; Burglary 3<sup>rd</sup>; and, Unlawful Possession of Drug Paraphernalia.

l) On or about November 21, 2006, Lucy Burdette filed a claim, asserting ownership of the Defendant Seven Thousand Eight Hundred Sixty (\$7,860.00) Dollars in United States currency.

m) The only reasonable source for the Defendant currency is drug sales.

CLAIM FOR RELIEF

6. The United States repeats and realleges each and every allegation set forth in Paragraphs 1 through 5m above.

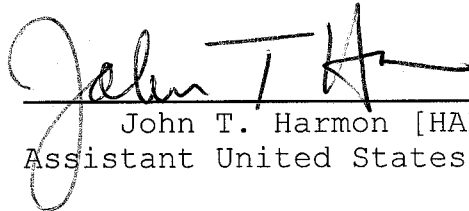
7. The Defendant currency constitutes monies furnished, or intended to be furnished, in exchange for controlled substances, or represents proceeds of trafficking in controlled substances or was used or intended to be used to facilitate violations of 21 U.S.C. §§ 801 et seq.

8. As a result of the foregoing, the Defendant currency is liable to condemnation and to forfeiture to the United States for its use in accordance with 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States requests that the Court issue a Warrant for the arrest and seizure of the Defendant currency, pursuant to Supplemental Rule G(3)(b), which will be executed upon the Defendant currency pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c); that the Defendant currency be forfeited and condemned to the United States; that the United States be awarded its costs and disbursements in this action and, for such other and further relief as this Court deems proper and just.

Respectfully submitted this the 13<sup>th</sup> day of February, 2007.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

  
John T. Harmon [HAR108]  
Assistant United States Attorney

Address of Counsel:

Office of the United States Attorney  
Middle District of Alabama  
One Court Square, Suite 201 (36104)  
Post Office Box 197  
Montgomery, Alabama 36101-0197  
Telephone: (334) 223-7280  
Facsimile: (334) 223-7560  
E-mail: [John.Harmon@usdoj.gov](mailto:John.Harmon@usdoj.gov)

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

STATE OF ALABAMA                     )  
COUNTY OF MONTGOMERY            )

VERIFICATION


I, Neill Thompson, hereby verify and declare under penalty of perjury that I am a Special Agent with the United States Drug Enforcement Administration and detailed to the High Intensity Drug Trafficking Area (HIDTA) Task Force. I have read the Verified Complaint In Rem and know the contents thereof, and that the matters contained therein are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and, as to those matters, I believe them to be true.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the Drug Enforcement Administration.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct this 13<sup>th</sup> day of February, 2007.

  
\_\_\_\_\_  
NEILL THOMPSON, SPECIAL AGENT  
DRUG ENFORCEMENT ADMINISTRATION

Sworn to and subscribed before me this 13<sup>th</sup> day of February, 2007.

  
\_\_\_\_\_  
Notary Public  
Commission Expires: 9.23.09



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2007 FEB 14 P 4:19

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

CIVIL ACTION NO.

2:07cv136-wha

WARRANT FOR ARREST IN REM

TO THE UNITED STATES MARSHAL OF THE MIDDLE DISTRICT OF ALABAMA  
AND/OR ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER:

WHEREAS, a Verified Complaint of Forfeiture has been filed in  
the United States District Court for the Middle District of  
Alabama, alleging that the Defendant property is subject to seizure  
and forfeiture to the United States pursuant to 21 U.S.C. §  
881(a)(6) for violation of 21 U.S.C. § 841 et seq.;

And, the Court being satisfied that, based on the Verified  
Complaint of Forfeiture, there is probable cause to believe that  
the Defendant currency so described constitutes property involved  
in or traceable to such violations of 21 U.S.C. § 841 et seq., and  
that grounds for application for issuance of a warrant of arrest  
in rem exist, pursuant to Supplemental Rule G of the Supplemental  
Rules for Admiralty or Maritime and Asset Forfeiture Claims;

YOU ARE, THEREFORE, HEREBY COMMANDED to arrest and seize said  
Defendant currency, and use your discretion and whatever means  
appropriate to protect and maintain said Defendant currency; and,

IT IS FURTHER ORDERED that you shall send any person who reasonably appears to be a potential claimant based upon the facts known to the United States, a copy of this Warrant and Verified Complaint In Rem in a manner consistent with the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure; and,

IT IS FURTHER ORDERED that you publish notice to all persons of this action and the procedures to be followed for making a claim as described in this Warrant in a manner consistent with Supplemental Rule G(4)(a); and,

IT IS FURTHER ORDERED that a return of this Warrant shall be promptly made to the Court identifying the individuals upon whom copies were served and the manner employed; and,

IT IS FURTHER ORDERED that all persons claiming an interest in or right against the Defendant currency shall file a claim asserting that interest, in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5), and such claim must be filed not later than 30 days after the date of service of the Complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the Complaint, and shall serve and file their answers to the Complaint within twenty (20) days after the filing of the claim with the Office of the Clerk, United States District Court for the Middle District of Alabama, with a copy thereof sent to:

John T. Harmon  
Assistant United States Attorney

Office of the United States Attorney  
Middle District of Alabama  
One Court Square Suite 201 (36104)  
Post Office Box 197  
Montgomery, Alabama 36101-0197  
Telephone: (334) 223-7280.

Done this the \_\_\_\_\_ day of February, 2007.

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UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
CIVIL ACTION NO. 2:07CV136-WHA

NOTICE OF ARREST AND SEIZURE

Notice is hereby given that the United States of America has filed a Complaint for Forfeiture In Rem and the Court has issued a Warrant of Arrest In Rem for the forfeiture of the Defendant currency, which was seized on September 25, 2006, in Montgomery, Alabama.

Any person claiming an interest in the Defendant currency must file a claim asserting that interest, in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5), such claim must be filed not later than 30 days after the date of service of the Complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the Complaint or as otherwise specified by Supplemental Rule G(5). In addition, any person having filed such a claim shall also file an Answer to the Complaint not later than 20 days after the filing of the claim, and shall serve and file the Claim and Answer to the Verified Complaint with the Office of the Clerk, United States District Court for the

Middle District of Alabama, 15 Lee Street, Montgomery, Alabama 36104, with a copy thereof sent to:

John T. Harmon  
Assistant United States Attorney  
Office of the United States Attorney  
Middle District of Alabama  
One Court Square, Suit 201 (36104)  
Post Office Box 197  
Montgomery, Alabama 36101-0197  
Telephone: (334) 223-7280.

Additional procedures and regulations regarding this forfeiture action are found at 19 U.S.C. §§ 1602-1619, and 21 §§ 1316.71-1316.81.

All persons and entities who have an interest in the Defendant currency may, in addition to filing a claim or in lieu of the filing of a claim, submit a Petition for Remission or Mitigation of the forfeiture for a non-judicial determination of this action pursuant to 28 C.F.R. Part 9.

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JESSE SEROYER, JR.  
UNITED STATES MARSHAL  
MIDDLE DISTRICT OF ALABAMA